

Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 DPW-01 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 USIE-00 INRE-00 PM-07 H-03 INR-10 L-03 NSC-07

PA-04 RSC-01 PRS-01 SP-03 SS-20 AID-20 IO-14 NEA-10

EUR-25 DRC-01 /145 W

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O 020927Z MAY 74

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC IMMEDIATE 4285

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E.O. 11652: N/A

TAGS: PINT VS VN

SUBJECT: AP STORY ALLEDGING US VIOLATION OF AGREEMENTS
IN TRANSPORTING PRISONERS

1. LAST EVENING GEORGE ESPER, LOCAL AP BUREAU CHIEF, CALLED ACTING PRESS OFFICER TO SAY THAT AP HAD PHOTOGRAPHS OF "NORTH VIETNAMESE" PRISONERS BEING LOADED ON AN AIR AMERICA PLANE (PORTER) AT MOC HOA (PROVINCIAL CAPITAL OF KIEN TUONG NEAR CAMBODIAN BORDER).

2. THIS MORNING AMBASSADOR SAW ESPER AND TOLD HIM THAT ON THE MORNING OF THE 30TH HE HAD RECEIVED A REQUEST FOR THE USE OF AIR AMERICA AIRCRAFT TO EVACUATE A WOUNDED PERSON. THE AMBASSADOR SAID THAT WE RESPOND WHEN WE CAN ON A HUMANITARIAN BASIS TO SUCH REQUESTS WHEN OTHER PLANE ASSETS ARE NOT AVAILABLE. THE AMBASSADOR SAID HE, THEREFORE, APPROVED THE REQUEST TO EVACUATE A WOUNDED PERSON AND HE UNDERSTOOD THAT AT ABOUT 10 IN THE MORNING OF THE FIRST AN AIR AMERICA PLANE WAS SENT TO MOC HOA. THE PLANE WAS APPARENTLY UTILIZED TO TRANSPORT SEVERAL OTHER PEOPLE, APPARENTLY PRISONERS BACK TO CAN THO, ALTHOUGH AT THE TIME THAT THE REQUEST WAS MADE IT WAS NOT APPARENT THAT THE WOUNDED MAN WAS A PRISONER OR THAT OTHER PEOPLE WOULD BE

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TRANSPORTED.

3. THE AMBASSADOR SAID WE HAD RESPONDED SIMILARLY TO HUMANITARIAN REQUESTS BEFORE. HE POINTED OUT THAT ON MARCH 31 A POLISH COLONEL AND TWO HUNGARIAN LIEUTENANTS WERE INJURED IN AN ACCIDENT NORTH OF NHA TRANG. THEY WERE TAKEN TO A DISTRICT HOSPITAL. WHEN IT WAS APPARENT THAT THE POLISH COLONEL WAS SERIOUSLY INJURED THE REQUEST WAS MADE TO LOCAL ICCS PERSONNEL BUT NEITHER ICCS PLANE OR OTHER AIR AMERICA ASSETS UNDER US CONTRACT WERE AVAILABLE. CONTACT WAS MADE WITH THE AMERICAN CONSULATE GENERAL IN NHA TRANG WHO REQUESTED THE VIETNAMESE AUTHORITIES TO SEND A PLANE WHICH WAS DONE AND THE INJURED EVACUATED TO THE VIETNAMESE MILITARY HOSPITAL AT NHA TRANG. THE FOLLOWING DAY A HUNGARIAN DOCTOR WAS SENT ON A AIR AMERICA PLANE UNDER US CONTRACT TO NHA TRANG. HE DETERMINED THAT THE POLISH OFFICER'S LEG SHOULD BE AMPUTATED. THIS DECISION WAS CONFIRMED BY A POLISH PHYSICIAN WHO WENT TO NHA TRANG ON AN ICCS PLANE WHICH WAS THEN AVAILABLE. THE AMBASSADOR SAID THAT BOTH THE POLES AND THE HUNGARIANS HAD CONVEYED THEIR GRATITUDE FOR THIS ASSISTANCE OF BOTH VIETNAMESE AND AMERICAN AUTHORITIES.

4. ESPER SAID THAT THE WOUNDED MAN WAS APPARENTLY ONE OF SEVEN. THE AMBASSADOR SAID HE WAS NOT AWARE THAT ANYONE ELSE WAS TO BE TRANSPORTED. THE AMBASSADOR NOTED THAT ESPER HAD DESCRIBED THE INDIVIDUAL AS NORTH VIETNAMESE. THE AMBASSADOR SAID THAT NEITHER AT THE TIME OF THE REQUEST, NOR NOW, HAD HE BEEN INFORMED OF THE NATIONALITY OF THE INJURED PERSON BUT THAT IT WOULD HAVE MADE NO DIFFERENCE SINCE NEITHER NATIONALITY NOR POLITICAL IDEOLOGY HAD MUCH TO DO WITH AN INDIVIDUAL IN PAIN. ESPER ASKED IF THE US MISSION ALWAYS RESPONDS TO SUCH A REQUEST. THE AMBASSADOR RESPONDED THAT WE ALWAYS TRY TO RESPOND TO A REQUEST OF THIS NATURE AND THAT THIS WAS THE ONLY EXCEPTION THAT WAS MADE TO CONFINING THE USE OF AIR AMERICA AIRCRAFT UNDER US CONTRACT TO SOLELY AMERICAN USE AS A TRANSPORT FACILITY.

5. ESPER ASKED IF SUCH AN EXCEPTION HAD TO BE CLEARED BY ME PERSONALLY. THE AMBASSADOR REPLIED THAT SINCE HE WAS UNDER STRICT INSTRUCTIONS FROM THE USG TO KEEP ALL AMERICANS OUT OF ANY ACTIVITY INVOLVED IN THE HOSTILITIES, WHICH WERE UNFORTUNATELY CONTINUING, THE RULE HAD BEEN THAT SUCH EXCEPTIONS WOULD HAVE TO BE CLEARED THROUGH HIM IF AVAILABLE OR, IF LIMITED OFFICIAL USE

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NOT AVAILABLE, BY ANOTHER SENIOR OFFICER OF THE MISSION. THE AMBASSADOR ALSO POINTED OUT THAT THE USE OF AIR AMERICA AIRCRAFT IN SUCH HUMANITARIAN CIRCUMSTANCES WAS NOT UNUSUAL AND CITED TWO INSTANCES AND SAID THERE WERE MORE, DETAILS OF WHICH HE DID NOT RECALL AT THE MOMENT BUT WOULD HAVE MADE AVAILABLE.

6. AT NO TIME DURING THE INTERVIEW DID ESPER IN ANY WAY REFER

TO VIOLATIONS OF THE AGREEMENTS OR ASK ANY QUESTION ABOUT SUCH ACTIVITY BEING IN VIOLATION OF THE AGREEMENTS. WHEN QUESTIONED AFTER FILING THE STORY HE SAID THAT HIS SENTENCE "MARTIN DENIED THE INCIDENT WAS A VIOLATION OF THE AGREEMENTS" WAS HIS INTERPRETATION OF THE AMBASSADOR'S REMARK THAT HE WAS UNDER STRICT INSTRUCTIONS BY WASHINGTON TO KEEP ALL AMERICANS OUT OF ANY ACTIVITY THAT COULD POSSIBLY BE REGARDED AS A VIOLATION OF THE AGREEMENTS.

7. FOR THE INFORMATION OF THE DEPARTMENT, OTHER INSTANCES OF THE USE OF AIR AMERICA IN RESPONSE TO SUCH A REQUEST ARE:

A. AIR AMERICA ASSISTED IN EMERGENCY EVACUATION OF INDONESIAN OFFICER ON 22 OCTOBER 1973 WHEN ICCS PLANE NOT AVAILABLE;

B. ON 2 JULY 1973 EMERGENCY FLIGHT DEPARTED 0300 TRANSPORTING MAJOR GENERAL MCALPINE, CHAIRMAN OF THE CANADIAN MILITARY COMMITTEE, WHO REQUIRED TRANSPORTATION TO BIEN HOA IN CONNECTION WITH THE EXTRACTION OF TWO CANADIANS;

C. 15 JULY 1973 -- EXTRACTED TWO CANADIANS RELEASED BY VC IN MR-4.

D. 30 AUGUST 1973 -- RESPONDED TO MEDEVAC CALL AT 2300 HOURS LOCAL TIME SAIGON, PICKED PATIENT UP AT LONG AN AND RETURNED TO SAIGON 0120 LOCAL TIME;

E. 16 AUGUST 1973 -- PLANE DEPARTED SAIGON 0845 LOCAL TIME AND PICKED UP AN INDONESIAN MAJOR IN BIEN HOA, RETURNED TO SAIGON AT 0915. THIS WAS A MEDEVAC FLIGHT.

8. SUGGEST THAT IN ADDITION TO THIS CABLE A CHECK BE MADE WITH LIMITED OFFICIAL USE

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EAGLEBURGER IN THE DEPARTMENT AND SCOWCROFT IN THE WHITE HOUSE IN DETERMINING PRESS GUIDANCE FOR THE NOON BRIEFING. MARTIN

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